IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY SECOND DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE THE ACTING CHIEF JUSTICE BILAL NAZKI

and
THE HON'BLE SRI JUSTICE K.C. BHANU

WRIT PETITION NO : 16036 of 2005

Between:

M/s. Surya Coach Builders Pvt Ltd.,

S.No.372, Kirikera Village, Hindupur-515211.
Anantapur District, rep. by its Manager(Administration),

and Authorized Signatory Sri. C.Narasimha Murthy.

..... PETITIONER

AND

1 The Additional Commissioner of C.T(Legal),

Andhra Pradesh, III Floor, C.T.Building,
Nampally, Hyderabad.
2 The Commercial Tax Officer,

Hindupur, Anantapur District, A.P.,
3 The Secretary, Sales Tax Appellate Tribunal,

Ground Floor, C.T.Building,
Nampally, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, Respondent in rejecting the Stay

Petition filed by the petitioner vide his order in CCT's ref.No.LV(3)/136/2005, dt.22-06-2005, as illegal and consequently to grant stay of collection of the disputed tax of Rs.13,28,250-00 for the Assessment Year 2002-2003 CST pending disposal of the Appeal before the Third Respondent and pass such other order or orders as may be deemed fit and proper in the circumstances of the case and in the interests of justice.

Counsel for the Petitioner: MR.G.NARENDRA CHETTY

Counsel for the Respondents: GP FOR COMMERCIAL TAX

The Court made the following :

ORDER: (Per Hon'ble The Acting Chief Justice)

Heard learned Counsel for the parties. With their consent, the Writ Petition is being disposed of at this stage.

Pending appeal, the petitioner filed an application seeking stay of the recovery, which has been declined. It is submitted that out of the disputed tax liability, the petitioner has already deposited some amounts. Therefore, in the interest of justice, we direct that there shall be stay of recovery till disposal of appeal, subject to deposit of half of the total liability minus the amounts, if any, already deposited by the petitioner, within a period of six weeks from today. For six weeks, there shall be an unconditional stay and the stay shall continue till disposal of the appeal, provided the amount is deposited within six weeks. The deposit of amount shall be without prejudice to the rights of the petitioner in the appeal.

Writ Petition is disposed of accordingly. No costs.

(Bilal Nazki, A.C.J)

(K.C.Bhanu, J)

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Copy to:

1 The Additional Commissioner of C.T(Legal),

Andhra Pradesh, III Floor, C.T.Building,
Nampally, Hyderabad.

2 The Commercial Tax Officer,

Hindupur, Anantapur District, A.P.,

3 The Secretary, Sales Tax Appellate Tribunal,

Ground Floor, C.T.Building,
Nampally, Hyderabad.

4 Two CCs to the G.P. for Commercial Tax,

High Court Buildings, High Court of A.P.,

Hyderabad (O.U.T.)

5 Two CD copies.